

Want More Voter Participation in Primaries? Allow More Voters to Cast Their Ballots

By David Crum & J. Edward Hollington

On June 3rd voters went to the polls to vote for nominees for the General Election – that is if they were registered Democrats or Republicans.

The Secretary of State reports only one in five voters participated in this year's primary election. These anemic numbers reflect that nearly a quarter-million registered voters could NOT vote in the primary. Why? Because they declined to identify as Republican or Democrat when they registered.

New Mexico is one of only 11 states that operate on a closed primary system, requiring voters to register as a Republican or Democrat to vote in the state's primary election. This restriction is unconstitutional.

According to the Bureau of Elections, there are more than 240,000 voters who do not affiliate as a Democrat or Republican. These voters are categorized as "Declined to State" (or Independent voters), relegated to an electoral limbo during the state's primary election, silenced until November.

The number of voters who choose to remain unaligned with a political party when registering to vote continues to grow. Between 2000 and 2014, the number of self-identified Independents grew by more than 130 percent.

Today Independent voters comprise 19 percent of the state's electorate, numbers in step with national trends. According to Gallup, in 2014 voters who self-identified as "Independent" grew to represent 45 percent of the electorate, outnumbering voters who identify as either Democrat (30 percent) or Republican (23 percent).

On June 3rd we filed a lawsuit in State District Court aimed at ensuring Independent voters have a voice during primary elections. We're asking a judge to affirm the state constitution's guarantee that every registered New Mexican has the right to vote in "all elections for public officers." We are requesting this language be affirmed by the courts and that the state's chief elections officer, Dianna Duran, allow Independents a vote in the primary.

Several states have established semi-closed primary systems, allowing unaffiliated voters the opportunity to have their voices heard during primary elections. Oklahoma and Arizona have successfully run semi-closed primary elections for a number of years, ensuring all voters in their state can participate in the electoral process.

In a semi-closed primary election, unaffiliated voters check into their polling location and request one major party ballot. This process is highly organized and only allows voters access to one ballot, either Democrat or Republican.

Voting is one of our most fundamental rights, but the state of New Mexico continues to infringe on that right, election after election. Our state's constitution asserts registered voters can only be disqualified "by reason of criminal conviction or felony." However, New Mexico violates this language by denying Independent voters access to the primary ballot box.

Primary elections are paid for by all New Mexico taxpayers. Since all taxpayers, regardless of their voter registration, are obliged to foot the bill for all elections, all taxpayers who are registered to vote should have the right to vote in all elections. According to a recent article in the *Albuquerque Journal*, New Mexico's 2014 primary election cost the taxpayers more than \$3 million - - a high price tag for the quarter-million voters banned from the full election process.

It's time to move toward an election process that's inclusive of disenfranchised voters, allowing candidates the opportunity to be held accountable by a greater number of individuals.

Some Insiders within the major parties oppose a more inclusive system, arguing that allowing unaffiliated voters access to their ballots would violate their right of association. We believe that a political party's right of association does not trump an individual's right to vote for public officials.

An inclusive election system is something that every voter can support and a goal the state should strive toward. We hope that the courts and the Secretary of State will affirm our voting rights in time for the 2016 primary election.

Edward Hollington is an attorney who filed suit on behalf of Albuquerque resident David Crum, a DTS registered voter who was turned away from his primary election voting location on May 21st, 2014 due to his registration status.